

**Introduced by Senator Poochigian**

February 21, 2006

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An act to amend Section 529 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 1389, as introduced, Poochigian. Crime: false personation.

Existing law provides that any person who falsely personates another and does any act whereby, if done by the person falsely personated, might make him or her liable to any suit or prosecution is punishable by a fine not exceeding \$10,000, by imprisonment in a county jail for a period not exceeding one year, by imprisonment in the state prison for 16 months, or 2 or 3 years, or by both fine and imprisonment.

This bill would also include any act that might make the person falsely personated liable to arrest or a criminal charge. Because this bill would change the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 529 of the Penal Code is amended to  
2     read:

1     529. Every person who falsely personates another in either  
2 his *or her* private or official capacity, and in such assumed  
3 character ~~either~~ *does any of the following*:

4     ~~1.—~~

5     (a) Becomes bail or surety for any party in any proceeding  
6 whatever, before any court or officer authorized to take such bail  
7 or surety;.

8     ~~2.—~~

9     (b) Verifies, publishes, acknowledges, or proves, in the name  
10 of another person, any written instrument, with intent that the  
11 same may be recorded, delivered, or used as true; ~~or~~.

12     ~~3.—~~

13     (c) Does any other act whereby, if done by the person falsely  
14 personated, he *or she* might, ~~in any event~~, become liable to any  
15 arrest, criminal charge, suit or prosecution, or to pay any sum of  
16 money, or to incur any charge, forfeiture, or penalty, or whereby  
17 any benefit might accrue to the party personating, or to any other  
18 person;.

19     Is punishable by a fine not exceeding ten thousand dollars  
20 (\$10,000), or by imprisonment *in county jail for a period not*  
21 *exceeding one year, or by imprisonment in the state prison, or in*  
22 *a county jail not exceeding one year*, or by both ~~such~~ fine and  
23 imprisonment.

24     SEC. 2. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the  
29 penalty for a crime or infraction, within the meaning of Section  
30 17556 of the Government Code, or changes the definition of a  
31 crime within the meaning of Section 6 of Article XIII B of the  
32 California Constitution.